

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION**

JAMES DENIS CRINER

PLAINTIFF

V.

CASE NO. 3:19-CV-03053

**NURSE JODY WOODS;
SHERIFF MIKE MOORE, Boone
County, Arkansas; and SOUTHERN
HEALTH PROVIDERS**

DEFENDANTS

ORDER

The Court now takes up Plaintiff's failure to obey a Court order and failure to prosecute this case. Plaintiff, James Denis Criner, filed his Complaint and Application to Proceed *In Forma Pauperis* ("IFP") on July 16, 2019. (Docs. 1, 2). Also on July 16, 2019, this Court entered an Order noting that Plaintiff "failed to have the certificate regarding his inmate account completed by detention center personnel" and giving him until August 2, 2019 to either complete the IFP application and return the application to this Court for review and filing or pay the filing fee. (Doc. 3). Plaintiff was advised that failure to complete the IFP application or pay the filing fee would subject the complaint to dismissal "without further notice, for failure to obey an order of the Court." *Id.*

Plaintiff has failed to return a complete IFP application and has failed to pay the required filing fee. Although *pro se* pleadings are to be construed liberally, a *pro se* litigant is not excused from complying with substantive and procedural law. *Burgs v. Sissel*, 745 F.2d 526, 528 (8th Cir. 1984). Additionally, the Federal Rules of Civil Procedure specifically contemplate dismissal of a case on the grounds that the plaintiff failed to prosecute or failed to comply with orders of the court. Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (stating that the district court possesses

the power to dismiss *sua sponte* under Rule 41(b)). Pursuant to Rule 41(b), a district court has the power to dismiss an action based on "the plaintiff's failure to comply with any court order." *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (emphasis added).

Since Plaintiff has failed to obey an order of the Court and prosecute this matter, the case is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 5.5(c)(2).

IT IS SO ORDERED on this 13th day of August, 2019.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE